IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 6181 of 2005

Between:

M/s.Vamsi Krishna, Filling Station, IBP Dealers,

Bhanugudi Junction, Kakinada-533 003, E.G. District,
rep., by its Proprietor V.Mohan Krishna Reddy.

..... PETITIONER

AND

The Regional PF Commissioner II, EPF Organisation,

Sub-Regional Office, Opp:Kambala Tank,
Rajahmundry-533 105, East Godavari District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the order passed by the respondent herein bearing No.AP/42955/7A/SRO/RJY/Comphence/KKD/ 2004/307 dated 29-12-04 as illegal, arbitrary and void and consequently direct the respondent to drop all further proceedings against the petitioner in this regard.

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondent: MR.R.N.REDDY, Standing Counsel for E.P.F.

The Court at the admission stage made the following :

ORDER:

This writ petition is filed aggrieved by the order dated 29.12.2004 passed by the respondent under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, (for short, 'the Act').

2. Admittedly, against the said order, an efficacious alternative remedy of appeal is provided under Section 7-1 of the Act. Without exhausting the said alternative remedy available under the statute, the petitioner cannot maintain the writ petition.

3. In the circumstances, the writ petition is disposed of granting leave and liberty to the petitioner to work out the remedy of appeal as available under Section 7(1) of the Act, against the order dated 29.12.2004 passed under Section 7-A of the Act. If any such appeal is preferred within a period of four weeks from today, the same shall be entertained and appropriate orders be passed in accordance with law. Pending such appeal, there shall be stay of further proceedings in furtherance of the order dated 29.12.2004 subject to the condition that the petitioner deposits 50% of the amount demanded under the said order dated 29.12.2004 within a period of six weeks from today.

4. The writ petition is accordingly disposed of. No costs.

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G. ROHINI, J

Dated: 24th March, 2005.

CS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional PF Commissioner II, EPF Organisation,

Sub-Regional Office, Opp:Kambala Tank,
Rajahmundry-533 105, East Godavari District.

2. 2 CD copies

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